

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : **10/694,521** Confirmation No. **1892**
Applicant : **Larry ROUNDY, Guruprasad SUBBARAO, & David HEIN**
Filed : **October 27, 2003**
TC/A.U. : **2616**
Examiner : **Marcus Smith**
Docket No. : **199-0205US**
Customer No. : **29855**
Title : **METHOD AND APPARATUS FOR SIMULTANEOUS INCOMING DIGITAL
CALL PROCESSING USING H.323 PROTOCOL**

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APPEAL BRIEF

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I. REAL PARTY IN INTEREST

The real party in interest is Polycom, Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no related proceedings.

III. STATUS OF CLAIMS

Claims 1–12 are rejected and are appealed.

IV. STATUS OF AMENDMENTS

None filed

V. SUMMARY OF CLAIMED SUBJECT MATTER

This section provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by paragraph and line number and to the drawings by reference characters as required by 37 CFR § 41.37(c)(1)(v). Where applicable, each element of the claims is identified with a corresponding reference to the specification and drawings. Citation to the specification and/or drawings does not imply that limitations from the specification and drawings should be read into the corresponding claim element. Additionally, references are not necessarily exhaustive, and various claim elements may also be described at other locations.

Independent claim 1 recites a method for processing calls (¶ 0002, ll. 1–5; Fig. 2). The method includes:

- Receiving at least first and second incoming calls (¶ 0006, ll. 1–2; Fig. 2, #30);
- Retaining the first incoming call in a first state (¶ 0024, ll. 2–6; Fig. 2, #34);
- Waiting until the first incoming call progresses to a second state (¶ 0024, ll. 6–7; Fig. 2, #42);
- Answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state (¶ 0024, ll. 7–9; Fig. 2, #48); and
- Transitioning the second incoming call in the first state to a second state (¶ 0024, ll. 7–9; Fig. 2, # 50).

Independent claim 5 recites a videoconferencing station that includes a processor and a medium storing instructions (§ 0011, ll. 3–6) causing the processor to:

- Receive at least first and second incoming calls (§ 0006, ll. 1–2; Fig. 2, #30);
- Retain the first incoming call in a first state (§ 0024, ll. 2–6; Fig. 2, #34);
- Wait until the first incoming call progresses to a second state (§ 0024, ll. 6–7; Fig. 2, #42);
- Answer the second incoming call and place it in the first state after the first incoming call progresses to the second state (§ 0024, ll. 7–9; Fig. 2, #48); and
- Transition the second incoming call in the first state to a second state (§ 0024, ll. 7–9; Fig. 2, # 50).

Independent claim 9 recites a video conferencing system (§ 0011, ll. 3–6). The video conferencing system includes:

- A receiver for at least first and second incoming calls (§ 0006, ll. 1–2; Fig. 2, #30);
- A memory for maintaining the state of each incoming call in at least first and second states (§ 0011, ll. 5–6); and
- An analyzer for retaining the first incoming call in a first state (§ 0024, ll. 2–6; Fig. 2, #34); waiting until the first incoming call progresses to the second state (§ 0024, ll. 6–7; Fig. 2, #42); answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state (§ 0024, ll. 7–9; Fig. 2, #48); and transitioning the second incoming call in the first state to the second state (§ 0024, ll. 7–9; Fig. 2, # 50).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1–12 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,940,847 to Glitho et al. (“Glitho”).

VII. ARGUMENT

The claims do not stand or fall together. Instead, Appellants present separate arguments for various independent and dependent claims. After a concise discussion of cited art, each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 CFR § 41.37(c)(1)(vii). To aid in review of the Office Action, certain rejections have been copied into this brief. Arguments as to the rejection then follow.

A. The Rejection of Claims 1, 5, and 9 as Anticipated by Glitho Is Improper

Claims 1, 5, and 9 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,940,847 to Glitho et al. (“Glitho”). Claims 1, 5, and 9 include similar limitations and were rejected using the same rationale and citations to Glitho. Therefore, these claims are addressed together here.

To anticipate claims 1, 5, and 9, Glitho must disclose every limitation of these claims. Claim 1 is drawn to a method of processing incoming calls that are received substantially simultaneously. The method recites:

- receiving first and second incoming calls;
- retaining the first incoming call in a first state;
- waiting until the first incoming call progresses to a second state;
- answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state; and
- transitioning the second incoming call in the first state to a second state.

Claims 5 and 9 are drawn to videoconferencing stations that, in essence, implement the method recited in claim 1.

Thus, to anticipate claims 1, 5, and 9, Glitho must disclose “receiving first and second incoming calls.” Examiner contends that Call Request 514 and 516 shown in Fig. 4 of the Glitho reference are the two calls recited in claim 1. However, even a cursory inspection of Fig. 4 or the accompanying description at col. 15, ll. 41–63 of Glitho shows that these are outgoing, not incoming calls. Thus Glitho fails to teach or suggest receiving first and second *incoming* calls. Additionally, the relevant text passages of Glitho also seem to teach that Call Request 514 and 516 are not two separate calls, but rather separate states that a call (*i.e.*, a single call) may be

placed in. Thus, nothing cited by Examiner from the Glitho reference teaches or suggests a method of handling calls comprising receiving first and second incoming calls.

Examiner further contends that the “waiting until the first incoming call progresses to a second state” is met by block 506. However, the text describing block 506 (col. 16, ll. 21–48) says nothing about a delay. The text does describe that this state is entered by “an answer indicating that the called party (*i.e.*, the other side needs more setup information). The text further describes that the purpose of this state is not to delay, but rather to “Acquire necessary information (preferably via interaction with end user) and send it (Information).” Finally, the text also describes that the state is exited by one of several events including various answers from the called far-end, abandonment, request of a user, or timeout. In any case, block 506 does not in any way relate to waiting until the first incoming call progresses to a second state.

The remaining limitations of claims 1, 5, and 9 recite further processing steps that are to be performed on the first and second incoming calls. Because Glitho does not teach anything about incoming calls, and because the cited portions of Glitho appear to relate to a single outgoing call, the remaining limitations of claims 1, 5, and 9 are also necessarily not met. Put simply, Glitho does not describe putting a first call in a first state, waiting for it to progress to a second state, placing the second call in the first state, and then transitioning the second call to the second state. The citations provided have nothing at all to do with this, as they only describe the state progression of a single outgoing call and in no way relate to the processing of multiple incoming calls.

Because Glitho fails to teach or suggest any of the limitations of claims 1, 5, and 9 the rejection under § 102 is improper. Reversal of the Examiner’s rejection is therefore requested.

B. The Rejection of Claims 2, 6, and 10 as Anticipated by Glitho Is Improper

Claims 2, 6, and 10 were also rejected as anticipated by Glitho. Claims 2, 6, and 10 include similar limitations, and relate back to claims 1, 5, and 9, further specifying that the first state is a pending answer state and the second state is a call answer state. Examiner again refers to Fig. 4 and col. 14, l. 60–col. 15, l. 6 of Glitho as teaching this limitation. However, as noted above, these passages relate to the processing of an outgoing call, and thus cannot disclose a pending answer state or a call answer state. Even a casual review of the passages cited will show

that the answering referred to is performed by the other end, and thus the processing methods implemented by Glitho are for outgoing calls and thus do not relate to answering incoming calls.

Again, because Glitho fails to teach or suggest any of the limitations of claims 2, 6, and 10 the rejection under § 102 is improper. Reversal of the Examiner's rejection is therefore requested.

C. Conclusion

For at least the reasons stated above, Applicants respectfully submit that all outstanding rejections should be reversed. Additionally, to the extent specific claims have not been addressed, these claims depend from one or more claims that are specifically addressed, and are therefore patentable for at least the same reasons as the claims specifically addressed. Applicants further believe that they have complied with each requirement for an appeal brief.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees are required or have been overpaid, please appropriately charge or credit those fees to Deposit Account Number 501922, referencing docket number 199-0205US.

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Application No. 10/694,521
Appeal Brief

Respectfully submitted,

/Billy C. Allen III/

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Filed Electronically

Billy C. Allen III, Reg. No. 46,147
Wong, Cabello, Lutsch,
Rutherford & Brucculeri, L.L.P.
20333 State Hwy 249, Suite 600
Houston, TX 77070
832-446-2409

VIII. CLAIMS APPENDIX

1. (previously presented) A method for processing incoming calls comprising:
 - receiving at least first and second incoming calls;
 - retaining the first incoming call in a first state;
 - waiting until the first incoming call progresses to a second state;
 - answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state; and
 - transitioning the second incoming call in the first state to a second state.
2. (original) A method as recited in claim 1 wherein the first state is a pending answer state and the second state is a call connected state.
3. (original) The method as recited in claim 1, further comprising:
 - starting a timer when placing the second incoming call in the first state; and
 - hanging up the second incoming call and placing it in a third state if the timer expires.
4. (original) The method as recited in claim 1, further comprising:
 - waiting until the first incoming call progresses to a third state; and
 - answering the second incoming call and placing it in the first state if the first incoming call progresses to the third state.
5. (previously presented) A processor-based videoconferencing station comprising a medium storing instructions for causing the processor to:
 - receive at least first and second incoming calls;
 - retain the first incoming call in a first state;
 - wait until the first incoming call progresses to a second state;
 - answer the second incoming call and place it in the first state after the first incoming call progresses to the second state; and
 - transition the second incoming call in the first state to a second state.

6. (original) The station as recited in claim 5 wherein the first state is a pending answer state and the second state is a call connected state.
7. (original) The station as recited in claim 5, wherein the medium further stores instructions for causing the processor to:
 - start a timer when placing the second incoming call in the first state; and
 - hang up the second incoming call and place it in a third state if the timer expires.
8. (original) The station as recited in claim 5, wherein the medium further stores instructions for causing the processor to:
 - wait until the first incoming call progresses to a third state; and
 - answer the second incoming call and place it in the first state if the first incoming call progresses to the third state.
9. (previously presented) A processor-based video conferencing station comprising:
 - a receiver for at least first and second incoming calls;
 - a memory for maintaining the state of each incoming call in at least first and second states; and
 - an analyzer for retaining the first incoming call in a first state; waiting until the first incoming call progresses to the second state; answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state; and transitioning the second incoming call in the first state to the second state.
10. (original) The station of claim 9, wherein the first state is a pending answer state and the second state is a call connected state.
11. (original) The station of claim 9, wherein the analyzer is further for:
 - starting a timer when placing the second incoming call in the first state; and
 - hanging up the second incoming call and placing it in a third state if the timer expires.

12. (original) The station of claim 9, wherein the analyzer is further for:
waiting until the first incoming call progresses to a third state; and
answering the second incoming call and placing it in the first state if the first
incoming call progresses to the third state.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.